

REMARKS

This Amendment is filed in response to the Office Action dated February 11, 2008.

Claims 3, 4, 6-17, 19-21, 23, 24, 26-30, and 41-44 are pending in this application upon entry of this Amendment. Claims 3 and 17 have been amended, leaving claims 4, 6-16, 19-21, 23, 24, 26-30, and 41-44 unchanged.

Interview Summary Pursuant to 37 C.F.R. § 1.133(b)

The Applicant wishes to thank the Examiner for granting the telephone interview with Applicant's representatives Richard L. Kaiser and Edward J. Evans on March 13, 2008, during which the rejections to claims 3 and 17 were discussed. During the interview, Applicant's representatives discussed with the Examiner the structure and operation of Applicant's invention as claimed in claims 3 and 17, in view of the disclosure of U.S. Patent No. 4,566,382 issued to Bronson et al. ("Bronson"). Specifically, Applicant's representatives contrasted the structure, associated with the individual elements in claims 3 and 17, that was identified by the Examiner in Bronson with the structure disclosed in Applicant's specification for the same claim elements. No agreement was reached regarding the allowability of claims 3 and 17 as-pending at the time of the interview.

Applicant's representatives also discussed with the Examiner potential amendments to claims 3 and 17 to further distinguish Applicant's invention as claimed in claims 3 and 17 over Bronson. Specifically, with respect to independent claim 3, Applicant's representatives proposed adding the limitation "and the support member" after the element "an adjustment mechanism coupled between the coder and the support member and configured to adjust the position of the coder with respect to the base." The Examiner acknowledged that the addition of this limitation would be sufficient to distinguish Applicant's invention as claimed in claim 3 over Bronson.

With respect to independent claim 17, Applicant's representatives proposed amending claim 17 to recite that the first abutment member has a first length, and the second abutment

member has a second length. The Examiner acknowledged that the addition of these limitations would be sufficient to distinguish Applicant's invention as claimed in claim 17 over Bronson.

Applicant's representatives also contrasted the structure, associated with the latch mechanism element in dependent claims 8 and 20, that was identified by the Examiner in Bronson with the structure disclosed in Applicant's specification for the latch mechanism. The Examiner indicated that he would reconsider the allowability of claims 8 and 20.

Claim Rejections Under 35 U.S.C. § 102

On page 2 of the Office Action, claims 3, 4, 6-10, 12-14, 16-17, 19-21, 24, 26-29, 43, and 44 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bronson.

Amended independent claim 3 recites (underlining added for emphasis):

A coder assembly for printing on containers or on labels
that can be applied to containers, the coder assembly comprising:

a base;

a support member pivotably coupled to the base and
cantilevered from the base;

a coder supported by the support member and movable
with the support member relative to the base; and

an adjustment mechanism coupled between the coder and
the support member and configured to adjust the position of the
coder with respect to the base and the support member;

wherein the adjustment mechanism is operable to move the
coder along at least one of a substantially horizontal axis and a
substantially vertical axis without using tools.

Bronson does not teach or suggest a coder assembly including a base, a support member pivotably coupled to the base, a coder supported by the support member and movable with the support member relative to the base, and an adjustment mechanism coupled between the coder and the support member and configured to adjust the position of the coder with respect to the base and the support member, in which the adjustment mechanism is operable to move the coder along at least one of a substantially horizontal axis and a substantially vertical axis without using tools. Rather, Bronson discloses a conveyor C, a post 11 attached to the conveyor C via a

bracket 10, and an arm 12 pivotable on the post 11 (see FIGS. 1 and 4). The arm 12 supports an ink roller 13 and an ink cartridge 16. The arm is biased toward the position shown in FIG. 2 in Bronson by springs 39 acting between an outer cross block 34 mounted to the post 11 (via a pin 32 and cross-head 31') and an inner cross block 35 mounted to the arm 12 (via pin 41). Upon the application of ink on a box B by the roller 13, the springs 39 are compressed, allowing the arm 12 to pivot about the post 11 (see FIG. 3). After the roller 13 has cleared the box B, the arm 12 is pivoted back to the position shown in FIG. 2 by the springs 39 as they resume their uncompressed shape.

As acknowledged by the Examiner during the telephone interview with Applicant's representatives, Bronson merely discloses that the ink roller 13 (identified by the Examiner as Applicant's claimed "coder" in claim 3) is rotatable relative to the arm 12 (identified by the Examiner as Applicant's claimed "support member" in claim 3). Bronson fails to teach or suggest that the inner cross block 35 and pin 41 (together, identified by the Examiner as Applicant's claimed "adjustment mechanism" in claim 3) are operable to adjust the roller 13 with respect to the arm 12 in the manner claimed in claim 3.

Accordingly, the Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection of amended independent claim 3.

Claims 4, 6, 7, 9-14, 16, and 43 are each ultimately dependent upon independent claim 3, and are believed to be allowable based upon amended independent claim 3 and upon other features and elements claimed in claims 4, 6-14, 16, and 43 but not discussed herein.

Dependent claim 8 recites (underlining added for emphasis):

The coder assembly of claim 3, further comprising a latch mechanism selectively locking the support member to the base so that the support member is substantially immovable with respect to the base.

On page 3 of the Office Action, the Examiner identifies the structure associated with reference numerals 25 and 26 in Bronson as Applicant's claimed "latch mechanism" in dependent claim 8. Bronson discloses that the ink cartridge 16, carried by member 23, is movable relative to the roller 13 via adjustment of the fasteners 25 within the respective slots 26

(see FIG. 4, and column 2, lines 17-26). Bronson fails to teach or suggest any structure whatsoever that selectively locks the arm 12 (previously identified by the Examiner as Applicant's claimed "support member") to the conveyor C or the bracket 10 (together, identified by the Examiner as Applicant's claimed "base" in claim 3, from which claim 8 depends) so that the arm 12 is substantially immovable with respect to the conveyor C or the bracket 10.

Accordingly, the Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection of dependent claim 8.

Amended independent claim 17 recites (underlining added for emphasis):

A coder assembly for printing on containers or on labels
that can be applied to containers, the coder assembly comprising:

a base;

a support member movably coupled to the base;

a coder supported by the support member and movable
with the support member relative to the base; and

a plurality of abutment members between the support
member and the base, wherein the abutment members are
configured to limit the spacing between the support member and
the base;

wherein a first abutment member having a first length
spaces the support member from the base in a first operating
position, and wherein a second abutment member having a second
length spaces the support member from the base in a second
operating position.

Bronson does not teach or suggest a coder assembly including a base, a support member movably coupled to the base, a coder supported by the support member and movable with the support member relative to the base, a first abutment member having a first length that spaces the support member from the base in a first operating position, and a second abutment member having a second length that spaces the support member from the base in a second operating position. Rather, Bronson merely discloses that the respective pins 32, 41 (identified by the Examiner as Applicant's claimed "plurality of abutment members" in claim 17) affix the mounting blocks 34, 35 to the cross-head 31' and the arm 12, respectively. Bronson fails to teach or suggest that the pin 32 has a first length that spaces the arm 12 (previously identified by the

Examiner as Applicant's claimed "support member") from the conveyor C or the bracket 10 (together, previously identified by the Examiner as Applicant's claimed "base") in a first operating position, and that the pin 41 has a second length that spaces the arm 12 from the conveyor C or the bracket 10 in a second operating position.

Accordingly, the Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection of amended independent claim 17.

Claims 19, 21-29, and 44 are each ultimately dependent upon independent claim 17, and are believed to be allowable based upon amended independent claim 17 and upon other features and elements claimed in claims 19, 21-29, and 44 but not discussed herein.

Dependent claim 20 recites (underlining added for emphasis):

The coder assembly of claim 17, further comprising a latch mechanism selectively locking the support member to the base so that the support member is substantially immovable with respect to the base.

On page 5 of the Office Action, the Examiner identifies the structure associated with reference numerals 25 and 26 in Bronson as Applicant's claimed "latch mechanism" in dependent claim 20. The arguments presented above with respect to dependent claim 8 apply with equal weight to the Examiner's 35 U.S.C. § 102(b) rejection of dependent claim 20. Bronson fails to teach or suggest any structure whatsoever that selectively locks the arm 12 (previously identified by the Examiner as Applicant's claimed "support member") to the conveyor C or the bracket 10 (together, identified by the Examiner as Applicant's claimed "base" in claim 17, from which claim 20 depends) so that the arm 12 is substantially immovable with respect to the conveyor C or the bracket 10.

Claim Rejections Under 35 U.S.C. § 103

On page 6 of the Office Action, claims 15 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bronson in view of U.S. Patent No. 6,469,729 issued to Ryan.

Claim 15 is ultimately dependent upon independent claim 3, which, as amended, the Applicant believes to be allowable over Bronson. As such, the Applicant respectfully submits

that dependent claim 15 is allowable based upon independent claim 3 and upon other features and elements claimed in claim 15 but not discussed herein.

Claim 30 is ultimately dependent upon independent claim 17, which, as amended, the Applicant believes to be allowable over Bronson. As such, the Applicant respectfully submits that dependent claim 30 is allowable based upon independent claim 17 and upon other features and elements claimed in claim 30 but not discussed herein.

Allowable Subject Matter

The Applicant gratefully acknowledges the Examiner's allowance of claims 41 and 42 on page 6 of the Office Action.

CONCLUSION

In view of the amendments and remarks presented herein, it is respectfully submitted that the claims as amended are in condition for allowance. The Applicant kindly requests that the Examiner telephone the undersigned in the event a telephone discussion would be helpful in advancing the prosecution of the present application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard L. Kaiser". The signature is written in a cursive, flowing style.

Richard L. Kaiser
Reg. No. 46,158

Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Suite 3300
Milwaukee, Wisconsin 53202-4108
262-956-6576